

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

SANDRA E. MONTANEZ,)	Case No.: 1:13 CV 614
)	
Plaintiff)	
)	JUDGE SOLOMON OLIVER, JR.
v.)	
)	
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	
Defendant)	<u>ORDER</u>

The Commissioner of Social Security (“Commissioner”) denied claimant Sandra E. Montanez’s (“Montanez” or “Plaintiff”) application for supplemental security income in the above-captioned case. Montanez sought judicial review of the Commissioner’s decision. The court referred the case to Magistrate Judge Baughman for preparation of a Report and Recommendation (“R&R”). Both parties submitted briefs on the merits. Plaintiff requested an order reversing the Commissioner’s decision on the ground that it is not supported by substantial evidence in the administrative record. The Commissioner sought final judgment upholding the decision below.

Magistrate Judge Baughman submitted his R&R (ECF No. 29) on December 17, 2013, concluding that the Commissioner’s finding is not supported by substantial evidence and recommending that the case be remanded. Montanez presented several issues for judicial review, two of which concerned the Administrative Law Judge’s (“ALJ”) treatment of Dr. Abraham’s opinion. The Magistrate Judge found that despite the record indicating that Dr. Abraham was a treating source, the ALJ did not make a finding as to whether or not Dr. Abraham was a treating

source. Without such a finding, the Magistrate Judge could not conduct a meaningful review of whether the ALJ complied with the applicable standards when analyzing Dr. Abraham's opinion. Additionally, the Magistrate Judge found that the ALJ did not give adequate reasons for assigning Dr. Abraham's opinion little weight. The Magistrate Judge concluded that the ALJ's treatment of Dr. Abraham's opinion did not conform to the applicable standards and recommended that the court remand the matter for appropriate review. The Magistrate Judge did not find it necessary to discuss Plaintiff's other issues presented for review.

Plaintiff did not file objections to the R&R. Defendant filed a response to the R&R asserting that he will not be filing objections. (ECF No. 30.)

The court finds, after careful *de novo* review of the Magistrate Judge's Report and Recommendation and all other relevant documents in the record, that the Magistrate Judge's conclusions are fully supported by the record and controlling case law. Accordingly, the court adopts as its own the Magistrate Judge's Report and Recommendation. (ECF No. 29.) The court hereby reverses the Commissioner's final decision and remands the matter for further proceedings consistent with the Magistrate Judge's Report and Recommendation adopted herein.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR. _____
CHIEF JUDGE
UNITED STATES DISTRICT COURT

December 30, 2013